

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 05-10022
	*	
VERSUS	*	JUDGE DRELL
	*	
JAMES BERNIS MIDKIFF (01)	*	MAGISTRATE JUDGE KIRK
MICHAEL JOHN KELLER (02)	*	
ARCHIE ROY JACKSON (03)	*	
JESSE WAYNE WILLIAMS (04)	*	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in Counts Seventeen and Eighteen of the Superseding Indictment, the United States sought forfeiture, pursuant to Title 21, United States Code, Section 853 and Title 18, United State Code, Section 924(d) of:

1. \$1,200.00 United States Currency seized February 27, 2005
2. a Dan Wesson .357 caliber revolver (Serial Number: 91292);
3. a nylon fanny pack containing twenty (20) rounds of 12 gauge "buck shot" shotgun shells and twenty-two (22) rounds of .30-30 caliber ammunition seized on October 26, 2004;
4. a RG Model RG26 .25 caliber pistol (SN: U095890);
5. a H&R .22 caliber revolver (SN: R4556);
6. a box of .25 caliber Winchester ammunition seized April 29, 2005;
7. a Raven Arms Model MP-25 .25 caliber pistol bearing Serial Number: 1698822;

8. a Ruger Model 6 .22 caliber pistol bearing Serial Number: 147795;
9. a Lorcin Model L25 .25 caliber pistol bearing Serial Number:
140493;
10. a Hi-Point Model JH .45 caliber pistol bearing Serial Number:
300991;

as property involved in the offenses described in Counts One through Sixteen of the Superceding Indictment.

AND WHEREAS:

On March 28, 2007, Michael Keller pled guilty to Counts One and Eleven of the Superceding Indictment.

On April 10, 2007, James Bernis Midkiff was found guilty of Counts One, Two, Three, Four, Six, Seven, Eight, Nine, Ten and Twelve of the Superceding Indictment.

On April 10, 2007, Archie Ray Jackson was found guilty of Counts One, Five and Fifteen of the Superceding Indictment. Jackson was found not guilty of Count Sixteen of the Superceding Indictment.

On April 10, 2007, Jessie Williams was found guilty of Counts One, Thirteen and Fourteen of the Superceding Indictment.

In light of these convictions, the government is entitled to forfeit the defendants' interest in the following property enumerated in Counts Seventeen and Eighteen of the Superceding Indictment to the United States, including:

1. \$1,200.00 United States Currency seized February 27, 2005
2. a Dan Wesson .357 caliber revolver (Serial Number: 91292);
3. a nylon fanny pack containing twenty (20) rounds of 12 gauge

"buck shot" shotgun shells and twenty-two (22) rounds of .30-30 caliber ammunition seized on October 26, 2004;

4. a RG Model RG26 .25 caliber pistol (SN: U095890);
5. a H&R .22 caliber revolver (SN: R4556);
6. a box of .25 caliber Winchester ammunition seized April 29, 2005;
7. a Raven Arms Model MP-25 .25 caliber pistol bearing Serial Number: 1698822;
8. a Ruger Model 6 .22 caliber pistol bearing Serial Number: 147795;
9. a Lorcin Model L25 .25 caliber pistol bearing Serial Number: 140493;
10. a Hi-Point Model JH .45 caliber pistol bearing Serial Number: 300991;

as property involved in the offenses described in the Superceding Indictment.

Even though Archie Roy Jackson was found not guilty of Count Sixteen of the Superceding Indictment and the Government does not have a basis which to seek forfeiture of the below listed items under Count Eighteen of the Superceding Indictment, Archie Roy Jackson can no longer legally possess the below listed items.

1. a Ruger Model Blackhawk .44 magnum revolver bearing Serial Number: 84-35377;
2. a H&R Model 949 .22 caliber revolver bearing Serial Number: AS77515;
3. a H&R Model 929 .22 caliber revolver bearing Serial Number: W21207; and

4. a Smith & Wesson .32 caliber revolver bearing Serial Number:
99357.

The Vernon Parish Sheriff's Office, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the United States Marshal's Office are directed not to release the aforesaid firearms to the defendant or any agent designated by him.

THEREFORE, the United States is entitled to an Order of Forfeiture of said assets.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That, pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d), all right, title, and interest of the defendants, JAMES BERNIS MIDKIFF, MICHAEL JOHN KELLER, ARCHIE ROY JACKSON and JESSE WAYNE WILLIAMS, to the following property in the offenses described in the Superceding Indictment is forfeited to the United States.

1. \$1,200.00 United States Currency seized February 27, 2005
2. a Dan Wesson .357 caliber revolver (Serial Number: 91292);
3. a nylon fanny pack containing twenty (20) rounds of 12 gauge "buck shot" shotgun shells and twenty-two (22) rounds of .30-30 caliber ammunition seized on October 26, 2004;
4. a RG Model RG26 .25 caliber pistol (SN: U095890);
5. a H&R .22 caliber revolver (SN: R4556);
6. a box of .25 caliber Winchester ammunition seized April 29, 2005;
7. a Raven Arms Model MP-25 .25 caliber pistol bearing Serial Number: 1698822;
8. a Ruger Model 6 .22 caliber pistol bearing Serial Number: 147795;

9. a Lorcin Model L25 .25 caliber pistol bearing Serial Number:

140493;

10. a Hi-Point Model JH .45 caliber pistol bearing Serial Number:

300991;

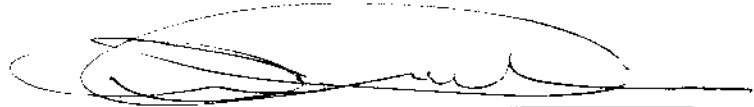
2. That, pursuant to 21 U.S.C. § 853(n), the United States Marshal forthwith shall publish once for three (3) consecutive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshal's intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the defendants, JAMES BERNIS MIDKIFF, MICHAEL JOHN KELLER, ARCHIE ROY JACKSON and JESSE WAYNE WILLIAMS, having or claiming a legal interest in the forfeited property must file a petition with this Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the forfeited property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petition's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture, as a substitute for published notice as to those persons so notified; and,

4. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

THUS ORDERED AND SIGNED this 15th day of May, 2007,
at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read "Dee D. Drell", written over a horizontal line.

DEE D. DRELL
Judge, United States District Court